

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION

CLARK PROCTOR, JR.,

Petitioner,

VS.

UNITED STATES OF AMERICA,

Respondent.

Case No. 1:06-cv-78-TMP

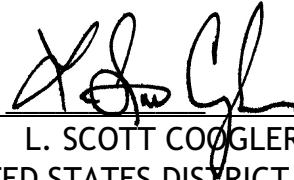
ORDER OF DISMISSAL

The magistrate judge filed his report and recommendation in the above-styled cause on November 17, 2006, recommending that the petition for writ of *habeas corpus* pursuant to 28 U.S.C. § 2241 be dismissed. Petitioner filed his objections and a motion to strike on November 30, 2006, contending that the court lost jurisdiction to consider his § 2241 petition when he was transferred out of the Northern District of Alabama to the Northern District of Georgia in early May 2006.

Having now carefully reviewed and considered the report and recommendation, the objections to it, and all other matters in the court file, the court finds that the objections are due to be and hereby are OVERRULED. At the time petitioner filed his § 2241 petition on January 18, 2006, he was physically incarcerated in the Northern District of Alabama, at FCI Talladega. Once jurisdiction attached with the filing of the petition, the court did not lose jurisdiction simply because petitioner thereafter was transferred to a prison in another district. See Ross v. Mebane, 536 F.2d 1199, 1201 (7th Cir. 1976); Joyce v. Luther, 515 F.Supp. 765 (D.C. Wis. 1981). Thus, because the court retains jurisdiction to entertain this petition, the court hereby ADOPTS the magistrate judge's

report and ACCEPTS his recommendation. Accordingly, the petition for writ of *habeas corpus* pursuant to 28 U.S.C. § 2241 is DISMISSED.

Done this 13th day of December 2006.

A handwritten signature in black ink, appearing to read 'L. Scott Coogler', is written over a horizontal line.

L. SCOTT COOGLER
UNITED STATES DISTRICT JUDGE

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